

GALE, WILSON & SÁNCHEZ

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

May 22, 2012

MARK ANTHONY SÁNCHEZ, ESQ.
*Board Certified - Labor and Employment Law
Texas Board of Legal Specialization*

Jesse R. Botello, Esq.
Law Office of Jesse R. Botello
1006 Vance Jackson
San Antonio, Texas 78201-2701

Re: Castillo v. Community Council of South Central Texas, Inc.
Civil Action No. 5:12-cv-00143-XR
G, W & S File No. 5255
Attempt to Confer

Dear Mr. Botello:

Please accept this correspondence as my attempt to confer with you regarding resolution of the Court's award of fees and expenses to Ms. Castillo rendered in connection with Defendant's Notice of Removal. I tender this correspondence to you in compliance with the Court's Order and Local Rule for the Western District of Texas CV-7(i).

Before proceeding, I wish to draw your attention to the letter I sent to you dated February 16, 2012. In this letter, I conferred with you about Defendant's Notice of Removal. I specifically requested that you withdraw the Notice of Removal because it lacked an objectively reasonable basis for having been filed in the first place. I further informed you that if your client refused, I would be seeking reasonable fees and expenses on Ms. Castillo's behalf. She was trying to resolve the dispute with out further expense.

As the pleadings show, your client refused. Having chosen to press this meritless legal claim forward, Defendant has caused Ms. Castillo to incur fees and expenses for which it is fully liable. We are at this juncture because of the position Defendant has taken.

Obviously, Ms. Castillo incurred legal fees in the preparation of her Motion to Remand. But fees and expenses also mounted in connection with defending her legal interest beyond the remand issue, such as the organization and submission of a Docket Control Order, the filing of a Motion for Leave to File a Second Amended Complaint, and other work required in order to protect Ms. Castillo's legal rights in a forum she did not choose. Much of this work was duplicated or will need to duplicated in the near future. In any event, it is my contention your client is responsible for all fees and expenses incurred while this case was in federal court.

In an effort to resolve this matter without further dispute, Ms. Castillo proposes that the parties submit an agreed Order and Final Judgment that stipulates Defendant will pay her:

1. \$7,740.00 in fees for itemized attorneys fees (25.80 hours x \$300.00 per hour).
2. \$150.00 in fees for itemized legal assistant fees (2.50 hours x \$65.00 per hour).
3. \$546.37 in expenses.

Total: \$8,436.37

115 EAST TRAVIS, 19TH FLOOR • SAN ANTONIO, TEXAS 78205
TELEPHONE: (210) 222-8899 • TELECOPIER: (210) 222-9526

EXHIBIT

2

FILE COPY

Jesse R. Botello, Esq.
May 22, 2012
Page Two

The parties can then submit the Agreed Order and Final Judgment to the Court for approval.

By agreeing, your client would assist in the prompt resolution of this dispute. Your client would also avoid incurring the additional fees and costs associated with the preparation and submission of an Opposed Motion for Attorney's Fees and Costs. Such a motion and the related briefing would be time consuming and would, needless to say, escalate the fees and expenses beyond what they are now. Ms. Castillo would prefer to resolve her claim for attorney's fees and expenses without further imposition on the Court.

In support of this attempt to confer, I have annexed hereto an itemized bill listing all legal services rendered and taxable costs incurred. My hourly rate is \$300.00 and my legal assistant's hourly rate is \$65.00. I request that you sign and date in the space provided below and return it to me by 5:00 p.m., Friday, May 25, 2012.

If I do not receive a response by then, I will assume you are in disagreement and I will proceed with filing the appropriate motion with the Court. With kindest regards, I remain

Very truly yours,



MARK ANTHONY SÁNCHEZ, ESQ.

MAS/ld
Enclosure
VIA TELECOPIER TRANSMISSION ONLY 736-2520

AGREED AND ACCEPTED:

JESSE R. BOTELLO, ESQ.

Date: _____

cc: Ms. Mary Lou Castillo
37 Glen Cove
Seguin, Texas 78155
(w/copy of enclosure)
VIA ELECTRONIC MAIL COMMUNICATION ONLY mlcastillo_78666@yahoo.com

Mary Lou Castillo
San Antonio, Texas

May 22, 2012

File #: 5255

Attention:

RE: Employment/Community Council of South Central Texas

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Feb-15-12	Received and reviewed Defendant's Notice of Removal; calendared deadline for filing response.	1.00	300.00	MAS
Feb-16-12	Commenced legal research on statutory and case law authority cited in Notice of Removal; prepared correspondence to opposing counsel in attempt to confer.	1.00	300.00	MAS
Feb-20-12	Commenced preparation of Plaintiff's Motion to Remand; conducted extensive legal research on federal statute 28 U.S.C. §1441(a) and judicial decisions interpreting same to ascertain basis for establishing federal question removal jurisdiction; reviewed Plaintiff's pleadings to confirm absence of federal question contained in same; conducted extensive legal research on federal removal statute 28 U.S.C. §1441(b) and judicial decisions interpreting same to ascertain basis for establishing federal question jurisdiction for removal based upon "other paper"; conducted legal research on judicial decisions analyzing EEOC Charge of Discrimination as "other paper" for purpose of removal; continued preparation of Plaintiff's Motion to Remand including legal arguments and authorities in support of remand; conducted follow-up legal research on 29 C.F.R. §1601 and Texas Labor Code § 21.201 to confirm Texas' standing as "dual filing" jurisdiction for purposes of EEOC and TWC charges of discrimination.	4.50	1,350.00	MAS
	Extended telephone conference with client regarding her recollection of events leading up to filing of Charge of Discrimination; commenced preparation of draft Declaration setting forth facts and circumstances as described by client; prepared and transmitted	2.50	750.00	MAS

	electronic mail communication enclosing draft Declaration to client.			
Feb-21-12	Continued preparation of Plaintiff's Motion to Remand; continued extensive legal research on federal removal statute 28 U.S.C. §1441(c) and judicial decision interpreting same to ascertain basis for request for attorney's fees and costs; continued preparation of Plaintiff's Motion to Remand into full draft; reviewed and edited full draft of Plaintiff's Motion to Remand; completed Motion to Remand in final and filed with District Clerk.	2.70	810.00	MAS
	Continued revisions and edits to draft Declaration as requested by client; prepared and transmitted electronic mail communication enclosing revised draft Declaration to client.	1.50	450.00	MAS
	Prepared and transmitted electronic mail communication enclosing Defendant's Notice of Removal to client for review.	0.10	6.00	LD
	Various telephone conferences with client regarding revisions to draft Declaration.	0.60	36.00	LD
Feb-22-12	Prepared and transmitted electronic mail communication to client enclosing Opposed Motion to Remand.	0.10	6.00	LD
Feb-23-12	Received and reviewed electronic mail communication from District Clerk enclosing Order and Advisory; calendared applicable deadlines.	0.30	90.00	MAS
	Received and reviewed Defendant's Reply to Plaintiff's Motion to Remand; calendared deadline for filing response.	0.80	240.00	MAS
Feb-24-12	Received and reviewed Defendant's Answer to Plaintiff's First Amended Original Petition.	0.30	90.00	MAS
Mar-06-12	Received and reviewed Defendant's Disclosure of Interested Parties.	0.20	60.00	MAS
	Conducted additional legal research on federal removal statute 28 U.S.C. §1441(b) and judicial decisions interpreting same to ascertain basis for establishing federal question jurisdiction for removal based upon "other paper".	0.80	240.00	MAS
Mar-23-12	Prepared draft of Plaintiff's Advisory to Court regarding non-Consent to Magistrate.	0.20	60.00	MAS
	Received and reviewed Defendant's Advisory to Court regarding Consent to Magistrate.	0.10	30.00	MAS
Mar-29-12	Prepared draft Scheduling and Docket Control Order using dates suggested by Court; prepared correspondence to opposing counsel enclosing same for review.	0.60	180.00	MAS
	Received and reviewed correspondence from opposing counsel enclosing revisions to	0.20	60.00	MAS

	proposed Scheduling and Docket Control Order.			
	Prepared correspondence to opposing counsel regarding submission of Proposed Scheduling Order and Docket Control Order.	0.10	30.00	MAS
	Completed Proposed Scheduling Order and Docket Control Order in final and filed with District Clerk; prepared correspondence to opposing counsel enclosing same.	0.40	120.00	MAS
Apr-13-12	Received and reviewed electronic mail communication from District Clerk enclosing Scheduling and Docket Control Order issued by Court; calendared all relevant deadlines.	0.50	150.00	MAS
Apr-20-12	Commenced preparation of Plaintiff's Motion for Leave to File Amended Complaint; commenced preparation of Plaintiff's Second Amended Original Complaint including additional state law causes of action; reviewed and edited full draft of Plaintiff's Second Amended Original Complaint; completed same in final.	2.20	660.00	MAS
Apr-23-12	Prepared correspondence to opposing counsel in attempt to confer regarding filing of Plaintiff's Motion for Leave to Amend Complaint.	0.30	90.00	MAS
	Received and reviewed correspondence from opposing counsel indicating no opposition to proposed Motion for Leave to Amend Complaint.	0.20	60.00	MAS
	Finalized Unopposed Motion for Leave to File Second Amended Complaint and filed with District Clerk.	0.40	120.00	MAS
	Prepared correspondence to opposing counsel in attempt to confer regarding filing of proposed Motion to Abate.	0.20	60.00	MAS
	Received and reviewed correspondence from opposing counsel opposing Motion to Abate.	0.10	30.00	MAS
May-01-12	Commenced preparation of Plaintiff's Initial Disclosures under Federal Rule of Civil Procedure 26; conducted thorough review of all potential fact witnesses; conducted thorough review of all potential exhibits including review of 661 Bates labeled pages of documents; reviewed and edited full draft of Plaintiff's Initial Disclosures; completed Plaintiff's Initial Disclosures in final and transmitted to opposing counsel.	3.00	900.00	MAS
	Received and reviewed correspondence from opposing counsel enclosing Defendant's Initial Disclosures; conducted thorough review of all fact witnesses and exhibits identified by Defendant.	0.80	240.00	MAS

	Edited, revised and printed draft Plaintiff's Initial Disclosures to Defendant for MAS review.	1.50	90.00	LD
May-07-12	Received and reviewed Defendant's Answer to Plaintiff's Second Amended Original Petition.	0.30	90.00	MAS
May-14-12	Received and reviewed Court's Order granting Opposed Motion to Remand.	0.20	60.00	MAS
	Prepared and transmitted electronic mail communication to client with attached text order from the Court.	0.10	6.00	LD
May-16-12	Received and reviewed Defendant's Motion for Reconsideration; calendared deadline for responding to same.	0.30	90.00	MAS
	Received and reviewed Court's Order denying Defendant's Motion for Reconsideration.	0.10	30.00	MAS
	Prepared and transmitted electronic mail communication to client enclosing Defendant's Request for Reconsideration and Clarification of Order to Remand.	0.10	6.00	LD
Totals		28.30	\$7,890.00	

FEE SUMMARY:

Lawyer	Hours	Effective Rate	Amount
Mark Anthony Sanchez	25.80	\$300.00	\$7,740.00
Lysset De Luna	2.50	\$60.00	\$150.00

DISBURSEMENTS

	Disbursements	Receipts
Feb-20-12 Photocopy Expense Recovery	4.50	
Feb-21-12 Photocopy Expense Recovery	1.25	
Feb-24-12 Photocopy Expense Recovery	34.50	
Feb-29-12 Fax Expense Recovery 02/01/12-02/29/12	127.00	
Postage Expense Recovery 02/01/12-02/29/12	6.20	
Office Supply Expense Recovery 02/01/12-02/29/12	2.00	
Research - February 2012	116.49	
Mar-31-12 Fax Expense Recovery 03/01/12-03/31/12	18.00	
Research - March 2012	215.43	
Apr-30-12 Fax Expense Recovery 04/01/12-04/30/12	21.00	

Totals	<hr/> \$546.37	<hr/> \$0.00
Total Fees, Disbursements		<hr/> \$8,436.37

GALE, WILSON, & SÁNCHEZ

A Professional Limited Liability Company
Attorneys at Law

115 East Travis, 19th Floor
Telephone: (210) 222-8899

San Antonio, Texas 78205
Telecopier: (210) 222-9526

TELECOPIER TRANSMISSION


Recipient: Jesse R. Botello, Esq.

Telecopier: 736-2520

Date: May 22, 2012

Sender: MARK ANTHONY SÁNCHEZ, ESQ.

Re: Castillo v. Community Council of South Central Texas, Inc.
Civil Action No. 5:12-cv-00143-XR
G, W & S File No. 5255
Attempt to Confer

FAXED on 5/24/12
by 

Number of Pages: 8

Please see attached. MAS

CONFIDENTIALITY NOTICE

The information contained in this telecopier transmission is privileged and confidential information intended only for the person identified as the recipient. If the reader of this transmission is not the recipient, you are hereby notified that dissemination, distribution or reproduction of this transmission to any person other than the recipient is prohibited. If you have received this transmission in error, please contact the sender at the telephone number listed above.

***** -COMM. JOURNAL- ***** DATE MAY-22-2012 ***** TIME 17:31 *****

MODE = MEMORY TRANSMISSION

START=MAY-22 17:27

END=MAY-22 17:31

FILE No.=678

STN No.	COMM.	KEY NAME	STATION NAME/EMAIL ADDRESS/TELEPHONE NO.	PAGES	DURATION
001	OK	A	7362520	008/008	00:02:46

-Gale Wilson & Sanchez -

***** DP-8060 v3 ***** -

- ***** -

- *****

GALE, WILSON, & SÁNCHEZA Professional Limited Liability Company
Attorneys at Law115 East Travis, 19th Floor
Telephone: (210) 222-8899San Antonio, Texas 78205
Telecopier: (210) 222-9526**TELECOPIER TRANSMISSION**

Recipient: Jesse R. Botello, Esq.

Telecopier: 736-2520

Date: May 22, 2012

Sender: MARK ANTHONY SÁNCHEZ, ESQ.

Re: Castillo v. Community Council of South Central Texas, Inc.
Civil Action No. 5:12-cv-00143-XR
G, W & S File No. 5255
Attempt to Confer

Number of Pages: 8

Please see attached. MAS

CONFIDENTIALITY NOTICE

The information contained in this telecopier transmission is privileged and confidential information intended only for the person identified as the recipient. If the reader of this transmission is not the recipient, you are hereby notified that dissemination, distribution or reproduction of this transmission to any person other than the recipient is prohibited. If you have received this transmission in error, please contact the sender at the telephone number listed above.